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REMARKS

Claims 1-32 are pending. Claims 10-22 are allowed. Claims 8-9 are rejected under 35 U.S.C. § 102(e). Claims 1-7 and 23-32 are rejected under 35 U.S.C. § 103(a). Claims 1, 8, 23, and 27 are currently amended.

Claims 8-9 are rejected under 35 U.S.C. § 102(e) as being Rhee (U.S. Pat. No. 6,289,054). Claim 8 is directed to a method of communicating data from a transmitting end to a receiving end and recites "the receiving end **receiving from the transmitting end a first transmission including original data bits without overhead bits, wherein the overhead bits are different from the original data bits** and produced at the transmitting end by operation of an encoding algorithm applied to the original data bits; the receiving end determining whether the original data bits have been received correctly and, **responsive to a determination that the original data bits have not been received correctly, the receiving end transmitting to the transmitting end a request for transmission of the overhead bits.**" (emphasis added).

Applicants have amended claim 8 to specifically state that the overhead bits are different from the original data bits. The foregoing emphasized limitations are not disclosed by Rhee. Thus, claims 8-9 are patentable under 35 U.S.C. § 102(e) over Rhee.

Rhee discloses two types of packet loss recovery schemes for lossy video transmission. Retransmission-Based RESCU (Recovery From Error Spread Using Continuous Updates) is described at column 6, line 25 through column 7, line 10. This recovery scheme simply retransmits a lost packet to the sender upon receipt of a negative acknowledgement (NACK). In this case, the retransmitted packet is the same as the original packet. Retransmission-Based RESCU, therefore, does not anticipate claim 8 which specifically states that the overhead bits are different from the original data bits.

Rhee also discloses FEC-Based RESCU using Forward Error Correction at column 7, lines 11-64. FEC is an open loop error correction scheme. (col. 7, lines 15-18). FEC encodes k

source packets to produce  $n$  output packets. The output packets, therefore, include an additional  $n-k$  FEC packets that may be used to repair a lost packet. The original packets and FEC packets are always transmitted together without regard to whether a packet is lost during transmission. FEC-Based RESCU does not anticipate claim 8 which specifically requires transmitting the original data bits without overhead bits and, responsive to a determination that the original data bits have not been received correctly, the receiving end transmitting to the transmitting end a request for transmission of the overhead bits. Thus, claims 8-9 are patentable under 35 U.S.C. § 102(e) over Rhee.

Claims 1-7 and 23-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogard (U.S. Pat. No. 4,718,066) in view of Rhee (U.S. Pat. No. 6,289,054). Examiner relies on Rhee for disclosure of "transmitting end (sender) refraining from transmitting overhead bits until the transmitting end receives an indication from the receiving end that original data have not been correctly received at the receiving end (col. 5, lines 25-50; col. 15, lines 50-62)." (Office Action dated 7/13/2006, page 3). Claims 1, 23, and 27 are currently amended to state that the overhead bits are different from the original data bits. No combination of Rogard and Rhee disclose this feature of the present invention.

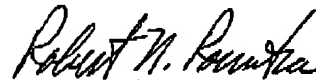
For example, column 5, lines 25-50 disclose that the receiver may send a negative acknowledgement for lost packets. It does not state a response of the transmitting end. The response, however, is either Retransmission-Based RESCU or FEC-Based RESCU, neither of which disclose the foregoing limitations of claims 1-7 and 23-32 as previously discussed with regard to claims 8-9. Claim 1 of Rhee (col. 15, lines 50-62) also fails to disclose these limitations. Claim 1 specifically recites "(b) transmitting a first frame from a sender to a receiver; (c) after transmitting the first frame, transmitting forward error correction (FEC) packets for the first frame from the sender to the receiver." Thus, FEC packets are always transmitted with the frame packets without regard to whether a frame packet is lost in transmission. No combination of Rogard and Rhee discloses "the transmitting end refraining from transmitting the overhead bits until the transmitting end receives an indication from the receiving end that the original data bits have not been correctly received at the receiving end" as required by claim 1 of the instant

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invention. No combination of Rogard and Rhee discloses "refraining from transmitting the overhead bits until receiving an indication that the original data bits have not been correctly received" as required by claim 23. No combination of Rogard and Rhee discloses "determining that the original data bits have not been received correctly; and transmitting a request for transmission of overhead bits responsive to the step of determining" as required by claim 27. Thus, claims 1-7 and 23-32 are patentable under 35 U.S.C. § 103(a) over Rogard in view of Rhee.

In view of the foregoing, applicants respectfully request reconsideration and allowance of claims 1-32. If Examiner persists in the present rejection, applicants respectfully request identification of specific claim elements from the cited references in a subsequent advisory action. If the Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



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